

FILED LODGED
RECEIVED Page 2

AO 241
(Rev. 01/15)

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

MAY 16 2023

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA
DEPUTY

United States District Court Western	District:	BY
Name (under which you were convicted): <i>John B Roach</i>	Docket or Case No.: <i>3:23-cv-5446BHS</i>	
Place of Confinement :	Prisoner No.: <i>889753</i>	
Petitioner (include the name under which you were convicted) <i>John B Roach</i>	Respondent (authorized person having custody of petitioner) <i>ATTORNEY GENERAL WASHINGTON STATE</i>	
The Attorney General of the State of:		

PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

Pierce County Superior Court

2. (b) Criminal docket or case number (if you know):

3. (a) Date of the judgment of conviction (if you know):

2-6-2006

4. (b) Date of sentencing:

41 months

5. In this case, were you convicted on more than one count or of more than one crime? Yes No

6. Identify all crimes of which you were convicted and sentenced in this case:

*ASSAULT OF A CHILD SECOND DEGREE
CONSPIRE ON COURT RECORD
OFFICER OF THE COURT ON THIS CASE
THUS IN BRIEF NEXT THEY GET COPY'S DO
TWO FEDERAL PEOPLE HAVE READ
YOU CONSPIRE LIB TOO THEY WILL POST
ON INTERNET TOO*

6. (a) What was your plea? (Check one)

(1) Not guilty

(3) Nolo contendere (no contest)

(2) Guilty

(4) Insanity plea

*STATEMENT OF LIMITATION ON DISCOVERY RULE
EXCEPTION 569 U.S. 363*

Fee
Pd Tac 3-284

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? _____

I AMENDMENT REQUEST OR INJURY

(c) If you went to trial, what kind of trial did you have? (Check one)

Jury Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

Yes No

8. Did you appeal from the judgment of conviction?

Yes No

9. If you did appeal, answer the following:

(a) Name of court: DV 2

(b) Docket or case number (if you know): _____

(c) Result: _____

(d) Date of result (if you know): _____

(e) Citation to the case (if you know): _____

(f) Grounds raised: PROSECUTOR MISCONDUCT

McQUIGGIN V PERKINS 569 WS 383
OVER STATUTE OF LIMITATION ON
CONSPIRACY

(g) Did you seek further review by a higher state court? Yes No

If yes, answer the following:

(1) Name of court: WA STATE SUPREME COURT

(2) Docket or case number (if you know): _____

(3) Result: EXONERATORY TELLING CALLED IT IS
WASN'T IT WAS EXONERATION EVIDENCE

(4) Date of result (if you know): PROSECUTOR HAD FULL KNOWLEDGE
OF BOTH COURT POSITION 608A CREDIBILITY AND HEARSAY
TOOK AND DID NOT FOLLOW DISCOVERY BUDGET

(5) Citation to the case (if you know):

(6) Grounds raised:

PROSECUTOR MISCONDUCT
SUPPRESSION OF EVIDENCE
CONSPIRE ON COUNT RECORD
WHICH IS A FEDERAL CRIMES 18 USC 241

 Yes No

(h) Did you file a petition for certiorari in the United States Supreme Court?

If yes, answer the following:

(1) Docket or case number (if you know): _____

(2) Result: _____

(3) Date of result (if you know): _____

(4) Citation to the case (if you know): _____

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? Yes No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised:

BUT I DID BRING UP
DOJ 9-50018
AND CALLED IT EXONERATORY IT WAS
IMPEACHMENT EVIDENCE
GIGLIO V. US 405-US 150
WAS ON THAT INFO, TOO
AND PROSECUTOR HAD TO BY
FEDERAL LAW BOTH 608(g) AND
HEAR SAY EVIDENCE TO THE JURY
18 USC 241 INSTEAD HE THE JUDGE ATTACHED

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

 Yes No

(7) Result: _____

(8) Date of result (if you know): _____

LIED ON OPEN COURT RECORD
RECORD,

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes No

(7) Result: _____

(8) Date of result (if you know): _____

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes No

(7) Result:

(8) Date of result (if you know): _____

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: Yes No

(2) Second petition: Yes No

(3) Third petition: Yes No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: *CONSPIRE 18 USC 241 OR IMPEACHMENT
EVIDENCE EXHIBIT 2 AND EXHIBIT 1*

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

VERBATIM TRANSCRIPT EXHIBIT 3 Pg 398 LN 25

PG 398 CHARACTER, but THERE IS NO

EVIDENCE THAT HE HAS bad CHARACTER

OR SOMETHING LIKE THAT, EFFECT

YET EXHIBIT 1 608(a) CHARACTER EVIDENCE

FILED IN OPEN COURT FILED DEPT 8

And EXHIBIT 2 HEARSAY EVIDENCE FILED in

COURT 400

(b) If you did not exhaust your state remedies on Ground One, explain why: *OPEN COURT*

DEFENDANT Had A LEGAL RIGHT

TO THIS EVIDENCE THE LAW REQUIRES

THE DISCLOSURE OF IMPEACHMENT EVIDENCE

WHEN SUCH EVIDENCE MATERIAL TO GUILT OR

PUNISHMENT THE STATE AG AND JUDGE

ATTORNEY LIES ON OPEN COURT RECORD

A FEDERAL Felon / 10 YEARS in FEDERAL PRISON

(c) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue?

 Yes No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

 Yes No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition?

 Yes No

(4) Did you appeal from the denial of your motion or petition?

 Yes No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

 Yes No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: DISTRICT COURT

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: _____

GROUND TWO:

ABUSE OF DISCRETION BY JUDGE
ABUSE OF DISCRETION BY JUDGE
SUPPRESSING EVIDENCE IN CRIMINAL TRIAL

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Judge Had Full Knowledge of BOTH open court motions EXHIBIT 1 (689) CHARACTER EVIDENCE 18 USC 241 CONSPIRE ON COURT RECORD AGAINST (ZR)

EXHIBIT 2 HEAR SAY STATEMENT AND CONSPIRE ON COURT RECORD, ALL THREE EXHAUST STATE

(b) If you did not exhaust your state remedies on Ground Two, explain why: _____

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue? _____

Yes

No

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? _____

Yes No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

U

Result (attach a copy of the court's opinion or order, if available): _____

_____(3) Did you receive a hearing on your motion or petition? Yes No(4) Did you appeal from the denial of your motion or petition? Yes No(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? Yes No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____
_____Docket or case number (if you know): _____
_____Date of the court's decision: _____
_____Result (attach a copy of the court's opinion or order, if available): _____
_____(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

_____(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two : _____

DARIA V. PAULIS B7-SCT-2058
GROUND THREE: INFFECTIVE ASSISTANCE OF COUNSEL
 APPENDIX COUNSEL

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim):

APPENDIX ATTORNEY KNEW OR LEARNED
 GIBBON VS MOSS 150 EXPARACHISON
 TRANSCRIPTS - AND HOW - AD FILER
 TIBO ON APPEAL COURT RECORD
 IN BOTH APPEAL COURT MOTION 608(a)
 THEY SAY EVIDENCE
 THUS THEY CONSPIRE KNOWING THAT
 EVIDENCE IS THERE USE ANY

(b) If you did not exhaust your state remedies on Ground Three, explain why: _____

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue? _____

Yes No

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? _____

Yes No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition? _____

Yes No

(4) Did you appeal from the denial of your motion or petition? _____

Yes No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? _____

Yes No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three:

GROUND FOUR:

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

- (b) If you did not exhaust your state remedies on Ground Four, explain why:

(c) **Direct Appeal of Ground Four:**

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes No

- (2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

- (1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes No

- (2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition?

Yes No

(4) Did you appeal from the denial of your motion or petition?

Yes No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e)

Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four:

13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? Yes No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: _____

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: _____

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available. _____

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? Yes No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. _____

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: _____

(b) At arraignment and plea: _____

(c) At trial: _____

(d) At sentencing: _____

(e) On appeal: _____

(f) In any post-conviction proceeding: _____

(g) On appeal from any ruling against you in a post-conviction proceeding: _____

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? Yes No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

569 US 383 McQuiggin v PERKINS
ACTUAL PROOF CERT ON CONSPIRE
AND Giglio v US 405 US 150 IMPEACH
MENT EVIDENCE ON OPEN COURT REC'D
REC'D IT'S A PECIAL CRIM
TO SUPPRESS IMPEACHMENT EVIDENCE ON
COURT RULING THAT LIB ABOUT IT

Ratz bog 60

WITNESS OR BIAS
AND FAILING TO DO IS REPRESENT
MAY BE SHOWN TO IMPROVE
THE WITNESS

THE JUDGES
ABUSE OF DISCRETION BY JUDGE
LIVING ON COURT RULING OF HER
WAS NO BALANCE WHEN
OPEN COURT, MOTIONS EXHIBIT
DEFENDANT PRODUCED TO ADMITT

ER 608(C) CHARACTER EVIDENCE AGAINST
(2R) EXHIBIT 2 MOTION FOR PRETRIAL
HEARING ON CHILD HEAR SAY STATEMENT
THUS Goglio v US 405 US 150
ALLOWS THIS EVIDENCE AND DOJ
9-5001B IS A FEDERAL LAW TOO
THE STATE OF WASHINGTON HAS
LIED IN OPEN COURT PROCEEDINGS
THIS IS A FEDERAL CRIMES
which will BE PLACE ON INTERNET
TO SHOW THEY LIE IN COURT PROCEEDINGS
TO WIN CASES AND TO BOYCOTT
WASHINGTON STATE AT ALL COST

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in

* The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), as contained in Title I of the Violent Crime Control and Law Enforcement Act of 1994, which was signed into law on April 24, 1994.

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of (L)
(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief:

RELIEF TO RETURN
VACATE THE RECORD
TO GRANT THE

or any other relief to which petitioner may be entitled.

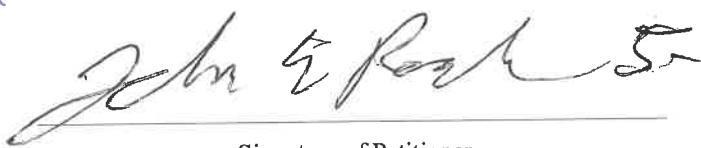
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on _____ (month, date, year).

Executed (signed) on _____ (date).

5602 112TH AVBCTB
Puyallup, WA 98372

PRO SB#



Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

10

11 STATE OF WASHINGTON,

) Superior Court
12 Plaintiff,) No. 04-1-05119-5

13 v.

) Court of Appeals
14 JOHN E. ROACH,) No. 34515-3-II

15 Defendant.

) Volume 6-B

16

17 VERBATIM TRANSCRIPT OF PROCEEDINGS

Motions

18 October 31, 2005 (p.m.)

19

20

21

22

23

24 ANN MARIE G. ALLISON, CCR, RPR
Official Court Reporter, Department 20
Pierce County Superior Court
25 930 Tacoma Avenue South, Room 534
Tacoma, Washington 98402

COPY

3
and I can go after that bias.

4
And those are the two that I can think of right
5 now that still -- that are out there.

6
THE COURT: So we won't see each other again
7 until the morning of the 29th. However, on the 28th,
8 Mr. Pimentel, you have -- you're actually -- Mr. Roach
9 has got to be here long enough to --

10 MR. PIMENTEL: Monday the 28th.

11 We need to write an order.

12 THE COURT: Right, so that I can swear in
13 the jury.

14 MR. PIMENTEL: Your Honor, I would ask that
15 we enter the orders on the -- the findings for
16 competency and hearsay. He presented those to me.

17 MR. LEECH: And I did -- I discovered over
18 the lunch hour that our office has a template for
19 competency and hearsay, and I went through and did
20 that. And I apparently misstated --

21 MR. PIMENTEL: No. 2..

22 MR. LEECH: My proposed orders finding
23 hearsay admissible, I said ZR is generally of good
24 character, and the Court held that he was too young to
25 develop character. What I would propose is to say

STATE v ROACH, Colloquy - 10/31/05

character," or something to that effect.

THE COURT: I think that I ruled he understands his obligation to tell the truth and realizes what happens when he doesn't.

MR. PIMENTEL: Let's be more -- this isn't specific enough, I don't think.

Did you take notes?

MR. LEECH: I did.

MR. PIMENTEL: The competency one I don't have a problem with unless you want to ~~take the time~~ right now, but I don't have a problem.

MR. LEECH: I can go ~~through~~ more to each of the Court's findings, ~~in~~ ~~and~~ and circulate proposed copies to Mr. Pimentel so that we can ~~discuss~~ issues in advance.

MR. PIMENTEL: I am handing forward the order finding ~~ZR~~.

THE COURT: I have a stand-in and Mr. Leech on November at 1:30.

MR. PIMENTEL: Correct.

STATE v ROACH - 10/31/05

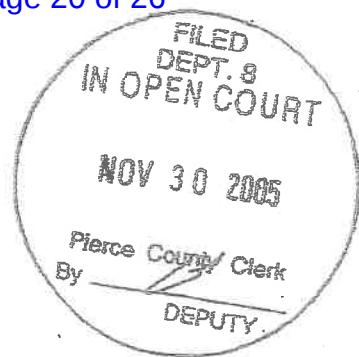
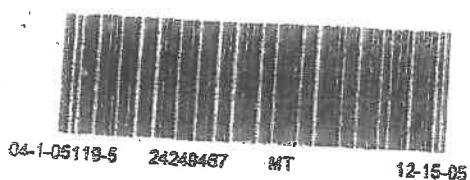
3 MR. PIMENTEL: No. We'll do the presentment
4 of the other order on the 29th.

5 THE COURT: I've signed the order finding
6 the child victim competent to testify at trial.

7
8 (Recess)

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STATE v ROACH, Colloquy - 10/31/05



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

JOHN ROACH,

Defendant.

CAUSE NO. 04-1-05119-5

DEFENDANT'S MOTION TO ADMIT
ER 608(a) CHARACTER EVIDENCE
AGAINST ZR

FACTS

The defense intends to call Bill Harrington, the Guardian Ad Litem of ZR, to testify to ZR's character for untruthfulness. Mr. Harrington was ZR's Guardian Ad Litem in the dissolution between Mr. and Ms. Roach. Mr. Harrington will testify that he had access to all of ZR's medical and school records, that he contact with ZR's counselors and teachers, and through these people was informed of the conduct of ZR both as it related to interacting with supervisors, but also peers.

Mr. Harrington will testify that he had significant contact with ZR's daycare provider, Sally Gray, who communicated to him that ZR had issues with dishonesty. Sally Gray was ZR's daycare provider during 2003 and early 2004. Sally Gray is the person who communicated this problem to Dr. Timothy Ernest, who recorded in his psychological evaluation of ZR, "[ZR] does have difficulty regarding lying" See p. I, Exhibit G of Defendant's Motion for Pretrial Hearing previously submitted.

DEFENDANT'S MOTION TO ADMIT
ER 608(a) CHARACTER EVIDENCE
AGAINST ZR -1

ORIGINAL

JORDAN LAW OFFICE, P.S.
2201 NORTH 30TH STREET
TACOMA, WA 98403
(253) 627-4040
(253) 627-4157 (Fax)

During that same timeframe (early and mid-2004), Mr. Harrington also had significant contact with ZR's teacher, Sue Corak of Spinning Elementary School in Puyallup, Washington. According to Mr. Harrington, Ms. Corak had great difficulty with ZR lying. According to Ms. Corak, ZR would steal property from other students, hide the property and then lie about it. He was apparently caught doing this on numerous occasions. This is also mentioned in ZR's Psychiatric Evaluation. See Exhibit G of Defendant's motion for Pretrial Hearing previously submitted at page 3.

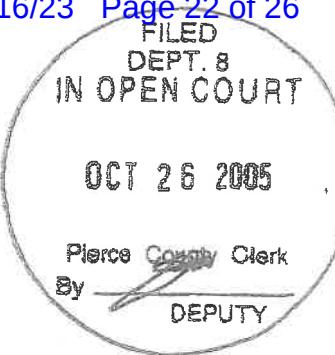
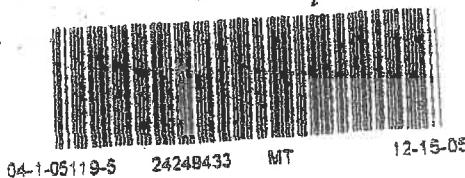
This same conduct is noted by ZR's counselor. On December 15, 2004 ZR's counselor wrote: "Behaviors continue with secretive, hiding items." See Exhibit N of Defendant's motion for Pretrial Hearing previously submitted. On that same date the counselor wrote: "Behaviors - defiance, arguing, lying acting out at school."

On January 19, 2005 ZR's Foster Mother reported problems with ZR lying. See Exhibit O of Defendant's motion for Pretrial Hearing previously submitted. In that same report, ZR's counselor noted that ZR's Foster Mother reports "angry outbursts and lying." Id.

Bill Harrington will testify that everyone associated with ZR, (teachers, counselors, healthcare workers and even his mother and father) recognized that ZR had huge problems lying. Mr. Harrington will testify that ZR would make-up stories that had no basis in fact. On one occasion, Mr. Roach, based on ZR's report, reported to CPS that Ms. Roach's daughter was having sex with a 50 year-old neighbor. This turned out to be completely false. Mr. Harrington will testify that ZR's stories were so frequent and disturbing that by the time that this incident occurred, Mr. Harrington required substantiation for any story that ZR told because his lies were so frequent and extravagant.

ARGUMENT

1. ZR's Character for Untruthfulness should be admissible under ER 608(a).



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

JOHN ROACH,

Defendant.

CAUSE NO. 04-1-05119-5

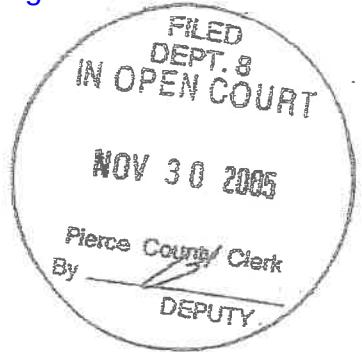
MOTION FOR PRETRIAL
HEARING ON CHILD HEARSAY
STATEMENTS AND
TRIAL MEMORANDUM

FACTS

On August 12, 2004, the kid's school clubhouse daycare in Puyallup, Washington reported to CPS that ZR had a quarter-size bruise on his forehead, a bruise on his right cheek, and a large dark bruise on his right shoulder. The daycare further reported that when asked how he received the bruises, ZR indicated that his father struck him multiple times with keys when he was angry. There are no other allegations contained in the CPS report. Attached and incorporated as though fully set forth herein is the DSHS referral report dated August 12, 2004.

ORIGINAL

JORDAN LAW OFFICE, P.S.
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04-1-05119-5 24248467 MT 12-15-05

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

JOHN ROACH,

Defendant.

CAUSE NO. 04-1-05119-5

DEFENDANT'S MOTION TO ADMIT
ER 608(a) CHARACTER EVIDENCE
AGAINST ZR

FACTS

The defense intends to call Bill Harrington, the Guardian Ad Litem of ZR, to testify to ZR's character for untruthfulness. Mr. Harrington was ZR's Guardian Ad Litem in the dissolution between Mr. and Ms. Roach. Mr. Harrington will testify that he had access to all of ZR's medical and school records, that he contact with ZR's counselors and teachers, and through these people was informed of the conduct of ZR both as it related to interacting with supervisors, but also peers.

Mr. Harrington will testify that he had significant contact with ZR's daycare provider, Sally Gray, who communicated to him that ZR had issues with dishonesty. Sally Gray was ZR's daycare provider during 2003 and early 2004. Sally Gray is the person who communicated this problem to Dr. Timothy Ernest, who recorded in his psychological evaluation of ZR, "[ZR] does have difficulty regarding lying." See p.1, Exhibit G of Defendant's Motion for Pretrial Hearing previously submitted.

DEFENDANT'S MOTION TO ADMIT
ER 608(a) CHARACTER EVIDENCE
AGAINST ZR -1

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1 During that same timeframe (early and mid-2004), Mr. Harrington also had significant
2 contact with ZR's teacher, Sue Corak of Spinning Elementary School in Puyallup, Washington.
3 According to Mr. Harrington, Ms. Corak had great difficulty with ZR lying. According to Ms.
4 Corak, ZR would steal property from other students, hide the property and then lie about it. He was
5 apparently caught doing this on numerous occasions. This is also mentioned in ZR's Psychiatric
6 Evaluation. See Exhibit G of Defendant's motion for Pretrial Hearing previously submitted at page
7 3.

8 This same conduct is noted by ZR's counselor. On December 15, 2004 ZR's counselor
9 wrote: "Behaviors continue with secretive, hiding items." See Exhibit N of Defendant's motion for
10 Pretrial Hearing previously submitted. On that same date the counselor wrote: "Behaviors –
11 defiance, arguing, lying acting out at school."

12 On January 19, 2005 ZR's Foster Mother reported problems with ZR lying. See Exhibit O
13 of Defendant's motion for Pretrial Hearing previously submitted. In that same report, ZR's
14 counselor noted that ZR's Foster Mother reports "angry outbursts and lying." Id.

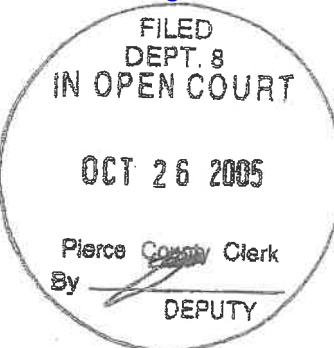
15 Bill Harrington will testify that everyone associated with ZR, (teachers, counselors,
16 healthcare workers and even his mother and father) recognized that ZR had huge problems lying.
17 Mr. Harrington will testify that ZR would make-up stories that had no basis in fact. On one
18 occasion, Mr. Roach, based on ZR's report, reported to CPS that Ms. Roach's daughter was having
19 sex with a 50 year-old neighbor. This turned out to be completely false. Mr. Harrington will testify
20 that ZR's stories were so frequent and disturbing that by the time that this incident occurred, Mr.
21 Harrington required substantiation for any story that ZR told because his lies were so frequent and
22 extravagant.

23 ARGUMENT

24 1. ZR's Character for Untruthfulness should be admissible under ER 608(a).

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY

STATE OF WASHINGTON,

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vs.

JOHN ROACH,

Defendant.

CAUSE NO. 04-1-05119-5

MOTION FOR PRETRIAL
HEARING ON CHILD HEARSAY
STATEMENTS AND
TRIAL MEMORANDUM

FACTS

On August 12, 2004, the kid's school clubhouse daycare in Puyallup, Washington reported to CPS that ZR had a quarter-size bruise on his forehead, a bruise on his right cheek, and a large dark bruise on his right shoulder. The daycare further reported that when asked how he received the bruises, ZR indicated that his father struck him multiple times with keys when he was angry. There are no other allegations contained in the CPS report. Attached and incorporated as though fully set forth herein is the DSHS referral report dated August 12, 2004.

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I John B Roach

FEDEX TO ATTORNEY
GENERAL THE FOLLOW
2254 UNDER PENALTY OF
PERJURY on
MAY I declare

John B Roach